

REMARKS

New claims 11 and 12 have been added. Claims 6-12 are now pending in the application.

Applicants have amended claims 6-8 to more clearly define the invention. The dependency of claims 9-10 was corrected. The amendments to the claims and the new claims are supported by the originally filed specification, claims and drawings, for example by the specification on page 2, lines 6-7 and 14-17, page 4, lines 1-7.

In the Office Action, claims 6-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (U.S. 4,644,587) in view of Hardcastle et al. (U.S. 6,178,025).

Applicants respectfully traverse the rejections. Takahashi et al. describes an optical communication system with a collision detector 710 to determine when a signal collision takes place, and a latch circuit 711 for temporary storage of an output of the operating section 708. (Col. 10, lines 16-19.) The collision signal from the operating section 708 is stored for a moment in the latch 711 while being fed to the distribution cutoff 414. (Col. 10, lines 52-54.) Thus, Takahashi et al. only describes storing temporarily, for a moment, the collision signal before sending it to the cutoff device.

There is no description or suggestion in Takahashi et al. of using an error signal to increment a counter, as recited in claims 6 and 7. In addition, there is no description or suggestion of storing the error signal in a memory element for subsequent determination of the frequency of faulty data transmission, as recited in claim 8.

Hardcastle et al. describes optical network loss of signal detection, however, this reference does not describe or suggest storing in any kind of memory the error signal generated. Accordingly, the cited references, either alone or in combination, fail to describe the elements recited in the claims.

At least for the above reasons, claims 6-8 are respectfully submitted to be allowable. Claims 9-12 depend from allowable claims, and at least for that reason are also submitted to be allowable.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.49163).

Respectfully submitted,

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